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ABSTRACT

This hearing before the Subcommittee on Select Education covers the role of the Office of Educational Research and Improvement (OERI) in educational improvement and change in the United States. The "Emergency" referred to is the departure of Christopher Cross as the head of OERI. The Honorable Major R. Owens, chairman of the subcommittee, expresses concern that the setting of national education research and dissemination policy is too important to allow partisan politics to interfere with the conduct of independent, objective research. The statement of Bruno Manno, Acting Assistant Secretary of OERI, presents the plans for fiscal year 1991 and 1992 activities to be carried out by OERI in conjunction with President Bush's Education Strategy, "America 2000." Manno notes that America 2000 is not a federal program, but rather a national program supported by federal aid. A discussion between Owens and Manno about the various programs to be supported by OERI and proposed uses of discretionary funds is reported in detail. Exchanges between Manno and Representative Ballenger of North Carolina and Representative Payne of New Jersy are also reported. (DB)

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EMERGENCY HEARING ON THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

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HEARING

BEFORE THE

SUBCOMMITTEE ON SELECT EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

ONE HUNDRED SECOND CONGRESS

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, MAY 8, 1991

Serial No. 102-62

Printed for the use of the Committee on Education and Labor

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EMERGENCY HEARING ON THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

WEDNESDAY, MAY 8, 1991

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON SELECT EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC.

The subcommittee met, pursuant to call, at 2 p.m., Room 2257, Rayburn House Office Building, Hon. Major R. Owens [Chairman] presiding.

Members present: Representatives Owens, Payne, Ballenger, and Klug.

Staff present: Maria Cuprill, Wanser Green, Laurence Peters, Theda Zawaiza, and Andy Hartman.

Chairman OWENS. The Subcommittee on Select Education is now in session. Our apologies for the delay, due to technological difficulties with the recording apparatus.

I will begin with a few opening comments. Parts of it are in a written statement which I will submit for the record.

With the departure of Assistant Secretary Christopher Cross, we fear that the Office of Educational Research and Improvement may be in danger of sliding down the slippery slope of partisan politics. It has been clear to us for some time that the setting of national education research development and dissemination policy is too important to allow partisan politics to provide the leadership. I know that we cannot go back to the past administration's policy of using OERI as a tool to score partisan political points rather than as a means to conduct independent, objective research.

There may be merit in the proposals outlined in America 2000, but they are just that: proposals. It is dangerous and foolhardy, at this point, to circumvent the process of open consultation and review when we are working toward the development of a national education agenda to stem the uncontrolled deterioration of our schools.

OERI currently occupies a marginal role in the debate on education reform because, in the past, OERI has been easily manipulated into positions of partisanship. The previous administration trashed OERI's credibility by using government funds for an assortment of untested partisan programs and causes without regard for the inclusion of empirically-based independent research in the decision-making process.

The stakes for the Nation's education system are too important for anyone in either branch of government to pretend that we can

afford to do "business as usual." Partisan politics has no place in the discussion or the implementation of a national education agenda. We must work together to find common ground as we move to hammer out an education strategy for the Nation.

On a more informal basis, I would like to state that the part of "America 2000" that impresses me most is a section which calls for the creation of America 2000 communities. These are communities in which every segment of the community—the private sector, the professional educators, the parents—comes together to work out a plan for educational improvement in that community.

How do we call for the creation of such "America 2000" communities in every Congressional district when here, in Washington, we don't have the basic, elementary consultation between the Legislative Branch of government and the Executive Branch of government on this whole matter of reforming our schools?

I am disheartened by the fact that certain basic changes have been made without any consultation. We have to read about it in order to learn what's going on in an area which is fundamental and at the heart of the whole process of educational improvement. So I hope that this hearing will not only clear up a few important questions that we have, but also set a new tone—a new tone which Secretary Alexander said he would like to promote: either a non-partisan or bi-partisan approach to the problem of reforming education in America; this will become the prevailing tone and modus operandi in the Office of Educational Research and Improvement.

[The prepared statement of Hon. Major R. Owens follows:]

STATEMENT OF HON. MAJOR R. OWENS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

With the dismissal of Assistant Secretary Christopher Cross, we fear that the Office of Educational Research and Improvement may be in danger of sliding down the slippery slope of partisan politics. It has been clear to us for some time that the setting of national education research, development and dissemination policy is too important to allow partisan politics to provide the leadership. I know that we cannot go back to the past administration's policy of using OERI as a tool to score partisan political points rather than as a means to conduct independent, objective research.

There may be merit in the proposals outlined in *America 2000*, but they are just that—proposals. It is dangerous and foolhardy to circumvent the process of open consultation and review when we are working toward the development of a national education agenda to stem the uncontrolled deterioration of our schools.

OERI currently occupies a marginal role in the debate on education reform because it has been too easy to manipulate into positions of partisanship. The previous administration trashed OERI's credibility by using government funds for an assortment of untested partisan programs and causes without regard for the inclusion of empirically-based independent research in the decision-making process.

The stakes for the Nation's education system are too important for anyone in either branch of government to pretend that we can afford to do "business as usual." Partisan politics has no place in the discussion or the implementation of a national education agenda. We must work together to find common ground as we move to hammer out an education strategy for the Nation.

Chairman OWENS. I yield to Mr. Ballenger for an opening statement.

Mr. BALLENGER. Thank you, Mr. Chairman. I have no formal opening statement.

The last line of your statement, I think, is testament to the reason we have called this meeting. I, personally, agree that the Secretary and the President's new program is, well-thought out

and well-organized. I can also easily understand why they would like to have certain programs move forward as soon as possible. To do this, some of the money that was allocated, by this committee to the Secretary for his discretionary fund may have to be redistributed.

As you know, I haven't been a senior member of the committee for any great length of time. But I would like to say that I think your statement, "We must work together to find common ground as we move to hammer out an education strategy for the Nation," is very well-said. And I'm quite sure that this is a very constructive way to begin.

And I think that we're fortunate to have a Secretary like Mr. Alexander who has substantial past experience in negotiating new educational ideas. I would like to support him in any way I can. And I hope that we can avoid any difficulties that may have arrived.

Chairman OWENS. Thank you.

Mr. Payne?

Mr. PAYNE. Thank you, Mr. Chairman. Let me commend you for calling this hearing to focus some attention on the need for OERI to concentrate on the critical educational priorities that our society faces today.

The announcement in the *Federal Register* on May 2 to cancel two OERI-administered grant competitions without any prior notice or consultation with Congress is, as you've indicated, somewhat disturbing. Additionally, I am concerned about the apparent lack of detail over how OERI plans to use the $10 million in discretionary funds that is available because of the cancellation of these two grant competitions.

OERI can really play a critical role in today's society as they are beneficial resources for critical educational statistics and research. I hope that we can work together to ensure that our educational goals are clear and that we are headed in the same direction. I would like to welcome Acting Assistant Director of OERI, Bruno Manno, and I look forward to hearing your testimony.

Thank you, Mr. Chairman.

Chairman OWENS. Thank you.

I am pleased to welcome our Acting Assistant Secretary, Mr. Manno. You may begin.

STATEMENT OF BRUNO MANNO, ACTING ASSISTANT SECRETARY, OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT, U.S. DEPARTMENT OF EDUCATION; ACCOMPANIED BY CAROL CICHOWSKI, DIRECTOR, DIVISION OF SPECIAL EDUCATION, REHABILITATION, AND RESEARCH ANALYSIS, OFFICE OF PLANNING, BUDGET, AND EVALUATION, U.S. DEPARTMENT OF EDUCATION

Mr. MANNO. Thank you, Mr. Owens and members of the subcommittee, I am pleased to be here. I have with me—let me briefly introduce—Carol Cichowski who is from our Office of Planning, Budget, and Evaluation. She is Director of the Division of Special Education, Rehabilitation, and Research Analysis.

It's a pleasure to be here and present to you our plans for fiscal year 1991 and 1992 activities to be carried out by OERI in conjunction with the President's Education Strategy, "America 2000." I would like to submit my full testimony for the record, but there are some remarks I would like to make, briefly, as an introduction to our discussion today.

America 2000 is a comprehensive and long-term strategy to move us toward the six national education goals. It's not a Federal program, but a national strategy that relies on local initiative, sees State and the private sector as partners with the Federal Government in this effort, and recognizes that education reform happens community by community and school by school.

The Federal Government's role in this strategy is limited but critical. This afternoon I would like to briefly describe for you the activities that the Department proposes to undertake in the next 2 years to help the Nation reach its destination.

Let me begin, first, with the Fund for Innovation in Education (FIE), a program for which Congress appropriated a total of $28 million for fiscal year 1991. Under the broad authority for FIE, the Secretary is authorized to carry out programs and projects that show promise of identifying and disseminating innovative educational approaches. The Secretary is authorized to do this directly or through grants and contracts with State educational agencies (SEAs), local educational agencies (LEAs), institutions of higher education, and other public and private organizations.

In the past, the Department has supported a variety of projects under this authority, ranging from evaluation to demonstrations. This year, the Department originally set aside approximately $9 million of the funds for a single competition for which the Secretary invited applications particularly for projects aimed at restructuring schools and school systems.

In the notice announcing the competition, the Secretary encouraged applicants to focus on three areas: new and challenging curricula to increase academic performance, effective teacher development, and new organizational patterns and management strategies. This competition was announced in March and, to date, no applications have been received.

In the meantime, as you all know, Secretary Alexander has been confirmed, and we have had occasion to reexamine our strategy for FIE. Without question, let it be clear that we remain committed to the concept of school restructuring and, in general, the priority areas that were discussed in the original announcement. Although now we do, in fact, want to state that we have refocused and resharpened these priorities.

The President's plan anticipates fundamental changes in our schools as well as changes in our communities so schools can thrive. In the past few weeks, we have identified several strategies that the Secretary believes would be particularly effective in helping to create better schools—strategies involving the training of both school leaders and teachers, so that they can help students meet much higher levels of performance and so that they are prepared to lead and teach in restructured schools.

Our proposed priorities for these academies—that is to say, the Academies for School Leaders, that would involve training in

school improvement strategies, and our Academies for Teachers, that would involve training for teachers in each of the five core disciplines mentioned in the goals, English, Math, Science, History, and Geography—were published in the *Federal Register* on May 6. We are now in the process of seeking public comment over the next 30 days. We expect a very favorable response, but, clearly, we'll seriously consider all comments in making our final plans.

We are also cancelling the competition previously announced for the establishment of a research center on Dissemination and Knowledge Utilization. As you may know, this competition was first announced last summer as part of a set of competitions for 18 new centers. No award was made for this center when the other centers were funded in December because no acceptable applications were received. This was, I might add, the recommendation of the peer reviewers to the Assistant Secretary, which he accepted.

In March, we published a notice requesting applications for such a center, and to this date, no applications have been received.

In the meantime, we have reexamined our plans for the use of these funds and have concluded that the funds could be much better spent on a dissemination strategy that was deliberately designed to reach parents and teachers, rather than to work with other centers to coordinate their dissemination efforts. So the priority here still clearly remains dissemination, though the specific form or mechanism that we propose to you, namely a center, is one which we have chosen, at this point, not to pursue.

Instead of a single award to a center to work with other research centers, we propose to use the funds for awards for a number of dissemination projects designed to draw on existing research to identify what might work best in improving student achievement and fostering life-long learning.

The Secretary is proposing to use 1991 funds for these activities because he is committed to making the best use of the resources at his disposal and to move as quickly and vigorously as possible to fulfill the Federal role in achieving the national goals. The Secretary will be seeking, as you know, new legislative authority for those activities that require it.

You have also asked me to address the revisions to the Department's 1992 fiscal year request for OERI programs. In a letter to the Appropriations Committee, dated April 23, 1991, the Department proposed a redistribution of $690 million that was included in the President's 1992 budget for educational excellence initiatives. This proposed redistribution would increase the request for four activities under the Assessment, Statistics, Research, and Improvement account. The Secretary's letter to Congressman Natcher, of April 23, details this information.

All of these activities we believe are clearly authorized under current law and are fully in keeping with the Department's role in supporting research and development, conducting assessment, identifying examples of what works, and disseminating information.

Let me conclude by saying that you should have no fear, Mr. Chairman, that OERI, in any manner, shape, or form, may be in danger of sliding down the slippery slope of partisan politics. Clearly, the intent of the Secretary here, with reference to this strategy and this plan, has been to reach out to all of those who are, in any

manner, shape, or form, interested in the reform of American education today.

The tone that he set and that he will continue to reinforce is one of bi-partisanship, and he looks forward to working with you and the members of this subcommittee. Thank you very much for you attention.

[The prepared statement of Bruno Manno follows:]

STATEMENT OF BRUNO MANNO, ACTING ASSISTANT SECRETARY, OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT

Mr. Chairman and members of the subcommittee, I am pleased to be here today to present our plans for fiscal year 1991 and 1992 for activities to be carried out by the Office of Educational Research and Improvement in conjunction with the President's Education Strategy, America 2000. America 2000 is a comprehensive and long-term strategy to move us toward the six national education goals. It's not a Federal program, but a national strategy that relies on local initiative, sees States and the private sector as partners with the Federal Government in this effort, and recognizes that education reform happens community by community and school by school. The Federal Government's role in this strategy is limited, but critical. This afternoon I will describe some of the activities that the Department proposes to undertake in the next 2 years to help the Nation reach its destination.

I will begin with the Fund for Innovation in Education, a program for which Congress appropriated a total of $28 million for fiscal year 1991. Under the broad authority for the Fund, the Secretary is authorized to carry out programs and projects that show promise of identifying and disseminating innovative educational approaches. The Secretary is authorized to do this directly or through grants and contracts with State and local educational agencies, institutions of higher education, and other public and private organizations. In the past, the Department has supported a variety of projects under this authority ranging from evaluations to demonstrations. This year, the Department originally set aside approximately $9 million of the funds available for new awards for a single competition for which the Secretary invited applications particularly for projects aimed at restructuring schools and school systems. In the notice announcing the competition, the Secretary encouraged applicants to focus on three areas—new and challenging curricula to increase academic performance, effective teacher development, and new organizational patterns and management strategies. This competition was announced in March and, to date, no applications have been received.

In the meantime, Lamar Alexander has been confirmed as Secretary of Education and we have had occasion to reexamine our strategy for FIE. Without question, we remain committed to the concept of school restructuring. The President's plan anticipates fundamental changes in our schools as well as changes in our communities so schools can thrive. In the past few weeks, we have also identified several strategies that the Secretary believes would be particularly effective in helping to create better schools—strategies involving the training of both school leaders and teachers so that they can help students meet much higher levels of performance and so that they are prepared to lead and teach in restructured schools.

To give them appropriate emphasis, we are proposing these strategies as absolute priorities under FIE and have canceled our previously announced competition. Specifically, the Secretary is proposing to set aside funds for two types of model projects—Academies for School Leaders to train principals in school improvement strategies and Academies for Teachers to conduct training for teachers in each of the five core disciplines—English, mathematics, science, history, and geography. Although the cancellation may disappoint some potential applicants, the new priorities will be a welcome opportunity to others. We felt that it was not to late to refine our priorities for 1991 and that it was the Secretary's responsibility to direct funds to those particular strategies that he believes would be most promising.

Our proposed priorities for these academies were published in the *Federal Register* on May 6 and we will be seeking public comment over the next 30 days. We expect a very favorable response, but will seriously consider any negative comments in making our final plans.

We are also canceling the competition previously announced for the establishment of a research center on Dissemination and Knowledge Utilization. This competition was first announced last summer as part of a set of competitions for 18 new centers. No award was made for this center when the other centers were funded in December because no acceptable applications were received. In March we published

a notice again requesting applications for such a center. No applications have come in to date.

In the meantime, we have reexamined our plans for this center and have concluded that the funds could be much better spent on a dissemination strategy that was more deliberately designed to reach parents and teachers. Instead of a single award to a center to work with the other research centers on dissemination, we propose to use the funds for awards for a number of dissemination projects designed to draw on existing research to identify what might work best in improving student achievement.

The Secretary is proposing to use 1991 funds for these activities because he is committed to making the best use of the resources at his disposal and to moving as quickly and vigorously as possible to fulfill the Federal role in achieving the national goals. The Secretary will be seeking new legislative authority for those activities that require it. The activities I've described this afternoon are activities that are totally within the scope of current authorities OERI administers and are activities that the Secretary is eager to begin. If we proceed with the FIE competition as proposed, we envision that 18 teacher academies could be operating training programs as early as next summer.

You have also asked me to address the revisions to the Department's fiscal year 1992 request for OERI programs. In a letter to the Appropriations Committee dated April 23, 1991, the Department proposed a redistribution of $690 million that was included in the President's 1992 budget for educational excellence initiatives. This proposed redistribution would increase the request for four activities under the Assessment, Statistics, Research, and Improvement account.

Specifically, the Department requests $21.4 million for research and development in addition to the funds requested for research in the President's 1992 budget. Of this amount, $12.4 million is needed to continue work on the development of World Class Standards for each of the five core subjects—standards that will represent what young Americans need to know and be able to do if they are to live and work successfully. To foster good teaching and learning and to monitor student progress, a voluntary nationwide examination system will also be developed. Tests tied to the World Class Standards will be developed for 4th graders by 1993, and for 8th and 12th graders by 1994.

About $2 million would be used for activities to assist the National Education Goals Panel prepare and disseminate a National Report Card to describe the progress the country is making toward the national goals.

Approximately$5 million would be used for planning for bringing America on line—that is, to determine how one or more electronic networks might be designed to provide the New American schools with easy access to the best information and educational expertise.

In the area of statistics an additional $1.1 million is requested to support a process for turning the skill areas identified in the report of SCANS into test objectives that could be reflected in the National Adult Literacy survey.

Funds are also requested for a new assessment activity to prepare new individual versions of tests used by NAEP for States and localities that wish to use them.

Finally, an additional $10.7 million is requested for the Fund for the Improvement and Reform of Schools and Teaching to support additional awards in 1992. This fund can be an important source of support for activities that America 2000 seeks to foster—helping students meet high standards, providing incentives for making progress, strengthening school leadership and teaching.

All of these activities are clearly authorized under current law and are fully in keeping with the Department's role in supporting research and development, conducting assessment, identifying examples of what works, and disseminating information on the best ideas.

Thank you, Mr. Chairman, for the opportunity to present our plans to the subcommittee. I would be happy to respond to questions.

Chairman OWENS. Thank you.

We have time for a few questions before we take a brief recess for a vote.

The language in the Appropriations Conference Report call for the funding of no less than 18 centers. And you are cancelling the funding of one of those centers. Are you saying you don't need authorization to make that cancellation and reprogram those funds?

Mr. MANNO. No, we don't believe that we do. My recollection of the amount of money that we were given by the Appropriations Committee—the House Conference Report, in fact, didn't even specify an amount. The Senate report did, in fact, specify an amount, but it was less then the administration had requested.

And what we're spending is, in fact, within a couple hundred thousand dollars of our initial request. So we believe that we've fully complied——

Chairman OWENS. Are you saying there is no language in there which requires you to fund no less than 18 centers?

Mr. MANNO. There is a reference to 18 centers; that is correct. But my recollection of the report language is that we were directed, really, not to specifically support 18 centers, but we were to support center activities that were more or less in tune with the amount of money that had been appropriated.

Chairman OWENS. The money you will now use, as a result of a cancellation, will be used to support center activity?

Mr. MANNO. No. In fact, it won't be used to support center activities. It will be used to support other kinds of dissemination activities that could well, in some——

Chairman OWENS. You just said you were directed to support center activities.

Mr. MANNO. That's center activities in the sense of a specific amount of money.

Chairman OWENS. The money is there to be used to support center activities. You cancel one center that had been planned. What will you use the money for that you will not be spending on the center that was cancelled?

Mr. MANNO. To support other dissemination activities.

Chairman OWENS. Yes?

Ms. CICHOWSKI. If I could add to that, Mr. Chairman. To clarify, we are spending approximately the amount that was included in the conference report for centers. You are correct in your statement that the report made a reference to 18 centers. I wouldn't characterize it as a directive to support 18 centers.

I think the House language referred to our original request for funding for 18 centers. And I believe the House was trying to accommodate us on that request in providing funding, but, neither the House or Senate reports or the conference report contains language directing the Department to support 18 centers.

What the conference report does suggest is that we use the increase provided over the House level for labs and centers, and we are doing that. We are allocating the amount for centers that the conference report provided to OERI.

Chairman OWENS. Can you expand a little on what you intend to do in the area of dissemination now? And tell us, will the activities that you will now use the money for, are those activities all authorized activities?

Mr. MANNO. Yes. The immediate answer to your question is, yes; they're all authorized activities. We intend to have a competition under the general authority that we have, GEPA 405, to support dissemination activities. There is, therefore, no need for any sort of new authorization to have this competition proceed.

With reference to the kind of dissemination activity that we envision, we envision a competition that would be directed toward providing parents and teachers with reliable information about what good research, sound research, and effective practice has taught us about what works, with specific reference to the national goals that have been agreed upon by the President and the Governors.

So the money will be used for dissemination activities—specific activities linked to good research and sound practice under the general authority of OERI's GEPA 405 authorization.

Chairman OWENS. We're going to break now for about ten minutes. When we return, Mr. Secretary, I would like for you to address yourself to these questions: Will any of the dissemination activities involve disseminating information about Choice? And, is Choice authorized in the legislation anywhere?

You have had a great increase in the amount of discretionary spending of your agency—it's a 250 percent increase, I think, from $6 million to about $22 million. I would like to have some idea of what the new discretionary spending is being used for, a listing of a few examples. We would like, later on, to have a full listing of what new discretionary funds are spent on.

Thank you very much.

[Recess.]

Chairman OWENS. Please be seated. The hearing will resume.

Mr. Secretary, I had asked a couple questions before I left. I'll let you answer those before I return to a previous point.

Mr. MANNO. Would you mind starting with the questions?

Chairman OWENS. I said that we would like to have some idea of what the tremendous upsurge in spending on discretionary funding covers, some examples. And later on, we would like a listing of grants that have been given under your discretionary funding.

Also, we would like, specifically, to know if you funded any projects dealing with Choice, and where you see the authority for funding programs related to Choice.

Mr. MANNO. On the general issue of discretionary monies and discretionary activities in the GEPA 405 account, we estimate that approximately $10.4 million could rightfully be designated as discretionary funds.

Our fiscal year 1991 Congressional budget justification, submitted last year contained a detailed outline of all of the activities that we proposed to undertake. So there is one reference in the Congressional budget justification to the specific activities that we proposed to undertake.

But let me just quickly mention some———

Chairman OWENS. There is a reference you say?

Mr. MANNO. In the Congressional budget justification—the 1992 Congressional budget justification.

Chairman OWENS. The justification which you submitted to———

Mr. MANNO. To the Congress.

Chairman OWENS. The Appropriations Committee?

Mr. MANNO. That's correct. There's a detailed listing of all of the discretionary activities that we proposed to undertake. Now let me quickly mention a couple of those to you, since you've asked for some examples.

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Chairman OWENS. Let us point out that that is not authorization. The material you submitted to the Appropriations Committee, and you listed the items there——

Mr. MANNO. Specifying how we proposed to use the monies that were part of the $10.4 million.

Chairman OWENS. Yes, proceed.

Mr. MANNO. Okay. A couple of examples: We proposed to undertake an activity that we are calling the Campaign for the American Teacher. This was an activity out of our Office of Research. This was an activity which, I believe—recalling these figures off the top of my head—I believe, was about $700,000.

We also had another activity called Project LINC—a collection of synthesis and technical assistance activities directed to States. Again, it was $700,000.

We also had another activity that involved evaluating education reform. That was approximately $3 million, slightly under $3 million when we took the 1.4 percent cut, or whatever it was, that we had to take. That, as I said, was slightly under $3 million.

That would be 3 examples amounting to somewhere in the vicinity of about $4.5 million of that $10.4 that were part of the discretionary pot. As I said, we submitted a more detailed listing that was part of our fiscal year 1992 Congressional budget justification. We will submit to you another detailed accounting of that money as you requested.

Chairman OWENS. You submitted a detailed listing of categories. And we would like a list of the grants that were let, the organizations that received the grants, the amounts, et cetera, .

Mr. MANNO. Fine. We will provide that for the record.

Chairman OWENS. You did not mention Choice. Did you fund any activities related to Choice?

Mr. MANNO. Yes, we did, but they were minor. According to the Congressional budget justification which we submitted, we had one project that was specifically related to Choice, and it was a discussion of public school Choice. I believe the figure was something like $70,000 meant to convene an OERI roundtable on public school choice.

The function of that roundtable was to convene together practitioners from districts that had implemented Choice programs. So this was not an attempt to start anything new. It was really an attempt aimed at gathering together people who have had experience in implementing Choice programs, getting them to talk about what this involved, getting them to reflect on their experience and to make this experience available and these reflections available to others through the publication of a document which has not yet been released.

Chairman OWENS. Choice activities were not authorized in the legislation. In your justification statement, did you mention Choice at all?

Mr. MANNO. Yes. There was, in fact, in the Congressional budget justification that we submitted——

Chairman OWENS. That you wanted to conduct activities related to Choice?

Mr. MANNO. That we wanted to conduct this public school Choice roundtable, yes there was. To get to the general issue——

Chairman OWENS. A public school roundtable—did it mention Choice?

Mr. MANNO. Yes, it did.

Chairman OWENS. It mentioned Choice?

Mr. MANNO. Yes.

Chairman OWENS. I see.

Mr. MANNO. To get to the general question about does the OERI authorization specifically mention Choice as an authorized activity, no it doesn't. But it doesn't mention a lot of other things with reference to research.

Chairman OWENS. Well, my next question is: Why did you conduct a roundtable on Choice? Choice is one activity of its type, and there are many others related to school governance or school management. Why Choice?

Mr. MANNO. Because Choice is one of the many strategies that LEAs and SEAs, today, are using to foster student achievement. In fact——

Chairman OWENS. There were other strategies that you did the same for?

Mr. MANNO. Clearly.

Chairman OWENS. You had a $70,000 roundtable for——

Mr. MANNO. As a matter of fact, the Campaign for the American Teachers, I said, was an activity that uses somewhere in the vicinity of about $600,000 to $700,000. Choice, as an activity, is a clearly recognized and affirmed activity that can result in a program improvement.

In 1990 alone, seven States passed legislation allowing greater choice of schools. These States joined five others that had earlier enacted legislation, so it's a little difficult——

Chairman OWENS. Sir, I know that's a fact; you're reading some facts. I want to know where is preference given to Choice in legislation. What is Choice? Is it a strategy, is it a model; what is it?

Mr. MANNO. It's all of the above. It can well be a strategy——

Chairman OWENS. Are there other strategies and models? Why don't they get equal treatment? Because Choice was not singled out in legislation——

Mr. MANNO. Neither have any of the other activities that we have specifically supported been singled out. Choice is one strategy, and it's part of a multitude of approaches that districts are taking. Magnet schools, for example, as you know, is a specific approach to Choice. In fact, as you know, in the Department has an extensive magnet schools program.

So, clearly, Choice is one approach, one specific initiative. We're not zeroing in on that to the exclusion of any other approaches when it comes to school improvement activities and initiatives.

Chairman OWENS. So you say you've only spent $70,000 to date. What do you plan to spend on Choice in the near future? In your revised plans, do you intend to spend additional monies on Choice?

Mr. MANNO. There are a couple of proposals in the revised 1992 budget that do focus in on Choice and Choice-related activities. Those were specified, as I said, in the letter that the Secretary sent to Mr. Natcher on April 23rd. There are two specific activities referred to in that budget document. One is what's called an Education Certificate Program Support Fund, and another one is a

Choice Demonstration Program. So there are two specific Choice activities that are part of the revised 1992 budget request.

Chairman OWENS. How much do they total, Mr. Manno?

Mr. MANNO. They total approximately $230 million out of $690 million, which relates specifically to the $690 million placeholder that was placed in the 1992 budget for what was formerly called the Educational Excellence Act, and is now being called the America 2000 Excellence in Education Act.

Chairman OWENS. So that's $230 million you propose to spend on one model, one strategy? How much do you propose to spend——

Mr. MANNO. Not one model or one strategy, because the Choice initiatives, as we proposed them, can support a variety of Choice activities.

Chairman OWENS. Well, what is Choice? An approach to governance, an approach to management?

Mr. MANNO. It's all of the above.

Chairman OWENS. Are there other "all-of-the-aboves" that will parallel Choice? Are we going to spend $230 million on anything else which is similar to Choice, or is Choice it and we've already come to a conclusion that it deserves $230 million worth of support in a budget of $690 million?

Mr. MANNO. That's right, and——

Chairman OWENS. Everything else is out?

Mr. MANNO. No. Not at all. The budget goes on to specify a variety of other kinds of activities that we would——

Chairman OWENS. More Effective School strategies?

Mr. MANNO. Yes. $180 million as the first——

Chairman OWENS. For more Effective Schools?

Mr. MANNO. As the first downpayment on our plan to inaugurate and start a new generation of American schools.

Chairman OWENS. No. No. Effective Schools is a strategy. Ron Edmonds was the advocate for a strategy for reforming schools called Effective Schools.

Mr. MANNO. That's correct.

Chairman OWENS. James Comer is the advocate for a project called School Development Program.

Mr. MANNO. That's correct.

Chairman OWENS. Will each of those other approaches get $230 million equally? ?

Mr. MANNO. The general approaches, articulated both by Mr. Comer and Mr. Edmonds, as well as people like Henry Levin, as well as a variety of other approaches, will clearly be supported by activities that we propose not only in the 1992 budget, which we have before Mr. Natcher's committee, with reference to the $690 million, but activities like that will also be supported out of the funds which OERI has requested of the Congress related to the general authority that OERI has under GEPA sections 405 and 406.

Chairman OWENS. But only Choice has a specific line of $230 million?

Mr. MANNO. No. As I started to say, there are a number of other specific line items in here directed toward merit schools, directed toward a new generation of American schools, directed toward a math and science initiative, directed toward a number of other different kinds of activities.

And if you go back an look at the budget proposal which OERI has submitted, with reference to our general budget request for 1992, you will see in the Congressional budget justification a detailed accounting of all the activities we propose to undertake.

Chairman OWENS. Do you propose to spend the $230 million in 1 year or 5 years?

Mr. MANNO. I think that's 1 year.

Chairman OWENS. In 1 year. All right——

Mr. MANNO. And I might add that a total of $230 million is something which requires authorization. So we can't spend that money until we are authorized by the Congress to do so.

Chairman OWENS. Well, that's interesting. The $230 million must be authorized, you're saying?

Mr. MANNO. That's correct. And we will be submitting legislation, as the Secretary said, around the end of May——

Chairman OWENS. Must be authorized or must be reprogrammed?

Mr. MANNO. Authorized. Not reprogrammed.

Chairman OWENS. That's for 1992?

Mr. MANNO. That's correct. And we will be submitting legislation for both of those authorizations.

Chairman OWENS. The reprogramming involves the money for the centers that were just cancelled. You now have to request reprogramming for the funds that were appropriated for that, or you can do it without reprogramming?

Mr. MANNO. It's our opinion that we can, in fact, do that without a reprogramming request.

Chairman OWENS. Is that your understanding from the Appropriations Committee or your counsel?

Mr. MANNO. That's my understanding from our Office of General Counsel, and we have had discussions, too, with members of the Appropriations Committee. We met with them—as a matter of fact, I met with them last week. But we have undertaken discussions with them.

I don't know, frankly, where the status of that discussion is, but we have talked to them. We've met with them. We talked to them prior to this announcement, both Senate and House Appropriations Committees. So they've been informed about what we were proposing to undertake.

Chairman OWENS. I'm going to yield and return later for additional questions. But my point, Mr. Manno, is that if OERI is our organ for research and development, we would expect to have any program that OERI is going to advocate and seek extra funding for documented; to have some kind of evaluation, some kind of evidence that it works, to have been put through some kind of process that is used for every similar program.

We're trying to get at some rationale that you might have for singling out a program like Choice for $230 million worth of funding in your next year's program. You don't have evaluations. You have not conducted experiments. I don't know of any demonstration programs. Certainly, I've been the Chairman of this subcommittee, now, for 4 years, and we don't know of any record which supports that, and we would like to hear more from your Department, from your office, as to why you choose to grant such a large

amount of money for programs that are really untested and unproven.

I yield, for the time being, to Mr. Ballenger.

Mr. MANNO. All right. I would be pleased to answer your questions when we're finished with Mr. Ballenger.

Chairman OWENS. We'll come back to that.

Mr. BALLENGER. You can easily get finished with me.

Mr. MANNO. In the best sense of the word.

Mr. BALLENGER. I would like to recognize that we have a new Secretary and new educational ideas. For instance, the America 2000 initiative is based, to a very large extent, on trying to develop leadership in the schools. In fact, every hearing that I've been to, as far as we're concerned here, witnesses said over and over again, "No matter what school you examine, the really great ones are the ones who have a principal who is well-grounded and knows where he's going."

Obviously, some of this money that you have assigned is for an Academy for School Leaders, to train principals in school improvement strategies. Over and over again, I've heard that without a good principal in the school, great programs will never develop.

Reading your quotation about the money allocated for special programs, that didn't receive applications for two cycles, disturbes me because as a businessman, I recognize that I don't want to throw money away, and surely don't want to have it sitting around. Questions like "Why didn't you spend this money? and What was wrong with your program?" are bound to be asked especially when the money could be applied to what I consider successful programs.

I'm not talking about Choice, I'm not talking about anything in specific. I'm talking about that the best schools having the best principals. Your program to take money that was not being used, because there were no applications for it, and putting it into a school to train principals, is an excellent idea.

Our effort in schools has been diverted to homemaking and athletics when it should focus on English, Mathematics, Science, History, and Geography, in addition to and upgrading schools and upgrading teachers.

Mr. MANNO. But——

Mr. BALLENGER. I'll open the door for you. It appears to me that the money was not going to be used, and applying it to a program that the Secretary has just developed makes good sense to me.

Mr. MANNO. I think the comments you've made about the importance of school leadership is key to what we would call track one of the strategy, making present day schools better and more accountable. And another dimension of that involves making sure that our teachers are as well educated in the core content areas as possible.

So both of these elements of the strategy are elements that the Secretary was convinced needed to be moved on right away. I might add that these items that are specifically referred to in the strategy as Governor's Academies for Teachers and Governor's Academies for School Leaders are not some new idea that just dropped down from heaven. In fact, there are a number of States that have, for some time now, supported these.

But I think it's the Secretary's feeling that the need for the Academies is more than just for a few of these in a few States. It's time that, in terms of a national strategy, we began to support efforts like these. And in fact, the Fund for Innovation in Education, out of which we propose to support the Academies, is specifically authorized to do just this: it's authorized to support new and innovative ideas that support the reform of schools.

So we see both of these ideas as very much tied into not only the strategy, but into what people are doing now to make sure that our school leaders are the best that we can manage and our teachers are the best that we can manage. I could talk, obviously, at length about the specifics of these, but I think you're right on target in talking about——

Mr. BALLENGER. Well, let me just say one thing more. I think it behooves the administration, especially since we're moving so rapidly, that when you do have programs that we have approved, to communicate before taking action. I'm not spanking anybody's hand. I am saying that we could avoid many difficulties.

Mr. MANNO. I think the other important point to note here is that this notice which we have published is not a notice to conduct a competition. It's a notice that says that what we would like to do is conduct a competition, and now we have 30 days to hear from whomever is interested in commenting us about what it is we propose to do.

So we're not moving ahead on this issue without allowing the public a minimum of 30 days to comment on this, as well as anyone else who wants to comment on this. So I think we have built into the process a consultative period where people can write back to us and say, "Hey, that's a great idea," or, "Hey, you've probably missed this item. Why don't you consider it too?"

As I said in my opening statement, we'll take all of those comments seriously. And, over the course of the next month any comments that would be available to us by members of this subcommittee would be taken seriously.

Mr. BALLENGER. Thank you, Mr. Chairman.

Chairman OWENS. Mr. Payne?

Mr. PAYNE. Thank you, Mr. Chairman. I was looking on page 2, and it says that, "The President's plan anticipates fundamental changes in our schools as well as changes in our communities so schools can thrive." That's very interesting. That's really the first time I've heard that. Could you explain to me what that means?

Mr. MANNO. Yes. There are a couple of items at work here. First of all, with reference to the idea about changes in our communities, there is an activity suggested that is part of the strategy that relates to what we call track four where making our communities places where learning can happen.

This is an activity that relates to—and I'll use a little of the jargon here—the so-called "91 percent factor." If one does a calculation—and believe it or not, someone has done this—if one does a calculation of the amount of time that an individual spends actually in the school room, between the time that he or she is born and he or she graduates from high school at the age of 18 years old, you'll see that, on average, a student spends 9 percent of the time in the classroom.

How about the other 91 percent of the time spent outside of the classroom? This America 2000 community activity and track four of the strategy, making our communities places where learning can happen, is an attempt to deal with the other 91 percent factor.

The other 91 percent factor, or track four of the strategy, has three different elements to it. There is the element of personal responsibility. Clearly, there are ways in which parents must be responsible for their kids. So there is a personal dimension to this strategy.

There is also a community dimension to this strategy. And that's this notion of, as the President said, challenging every American community to become an America 2000 community. An America 2000 community is a community which, first of all, accepts the national education goals, as defined by the President and the governors, and tries to make those goals relevant to its community.

Keep in mind here that the goals are not just focused on academic achievement. They're focused on lifelong learning. They're focused on literacy. They're focused on preparing kids for school. So an America 2000 community is a community that commits itself to achieving the national goals. It commits itself to making itself a place where kids can be prepared for school, and so forth.

An America 2000 community commits itself to the goals, internalizes those goals, agrees to develop a report card for reporting on its progress to achieving the goals, and then agrees to receive and prepare itself for what we're calling a new generation of American schools. So the strategy specifically talks about the need for reinvigorating our communities. It has an activity related to that, namely this America 2000 communities recognition program.

And, thirdly, track four of the strategy is an element of the strategy that specifically relates to this 91 percent factor. Here would come programs that are not only Department of Education programs, but programs that are part of agencies like HHS and HUD and other parts of the Federal Government, the school nutrition programs that are part of Agriculture, and so forth.

Mr. PAYNE. I see. That's very encouraging, because I've always contended that I think that the environment certainly has an impact on the ability of students to learn and so forth. Therefore, we can actually be looking for the President to come forth with suggestions on this track four/91 percent factor syndrome to talk about adequate housing.

We're going to talk about hopelessness. We'll be talking about attempting to redirect some employment to inner cities. We're talking about funding for health care, since, as we know there is a direct relationship between poor health or poor nutrition, lack of prenatal care, as an example, to low birthrate, which therefore parallels poor achievement.

So this is fantastic. As a matter of fact, it seems that it would have a bigger splash, because it seems to me to be a very bold change in the concept that the past two administrations have had as related to cities. So this track four, then, we can really look towards some very amazing attention to places like Appalachia and maybe in inner cities like my city of Newark.

Mr. MANNO. In fact, the President has asked Secretary Sullivan and Secretary Kemp to lead the effort related to this "track four"

of the strategy that begins to look at all of those issues that you discussed.

I might just add here, as a footnote, that there is a sense in which this conversation has gotten a little bit outside of what I would consider my area of expertise, which is the OERI account. But, clearly, I think the points that you're making with reference to the general notions you've discussed are elements that would be part of track four of the strategy.

Mr. PAYNE. I'll end there. Certainly, I'll be looking at this with a great deal of interest, as I indicated. For the past decade there has been, in my opinion, a turning of the back on the track four areas you talk about. We've seen—HUD, for example, at one point, maybe in 1980, 1981, funded maybe from $34, $35 billion down to less than $7 or $8 billion where we've gotten out of the business of low rent housing. We're talking about HOPE and whatever, the other one that Mr. Kemp is talking about.

But things have been, actually, in the reverse of these things you talk about are necessary. Even before coming up with track four, I could have suggested 10 years ago that if you funded some programs that were being cut—when we heard that we do more with less—and there was supposed to be a safety net to catch the truly needy. These are the things that seem to have come out.

So, like I said, I'm looking forward to the accompanying budgets that certainly will support these systemic problems that we do have, which definitely have an impact on inferior education.

Thank you very much. I'm glad that you clarified that for me.

Chairman OWENS. Yes. Mr. Secretary, just one fact that we were started on before. The language of the conference report that I mentioned before reads as follows—and it's included in the October 20, 1990 Congressional Record—it states that in the House, "Laboratorial funding should be based on minimum grant levels and allocation methodologies as proposed in the Senate report, and that sufficient funds are included to fund all 18 new centers as proposed in the President's budget."

Mr. MANNO. That's correct.

Chairman OWENS. Now, that's the language we referred to when we said that you were to fund 18 centers. Now, your interpretation of that is what?

Mr. MANNO. Is that it's not——

Chairman OWENS. You are not required to fund 18 centers?

Mr. MANNO. That's correct.

Chairman OWENS. It's just understood that you would fund 18 centers?

Mr. MANNO. No. It's not a directive. We understand that——

Chairman OWENS. The conferees understood that you would fund 18 centers.

Mr. MANNO. It's true that——

Chairman OWENS. But you're not required to fund 18 centers; is that what you're saying?

Mr. MANNO. Yes. That is what I'm saying, that we do not consider that to be an absolute directive. It's just a statement by the committee that sufficient funds are included.

Chairman OWENS. That was the understanding, which is one reason for our concern. When we receive—we read a notice of can-

cellation which was issued without explanation as to anything concerning what you later decided to do. You later issued a notice about a possible new competition. What was the date of your notice of cancellation?

Mr. MANNO. It was approximately a week ago. I don't know the exact date. Approximately a week ago.

Chairman OWENS. And when was your second notice of possible new competition issued?

Mr. MANNO. Approximately 2 days ago, the 6th.

Chairman OWENS. Was there any reason why you didn't do both at the same time—letting it be known what you were going to do or were considering for the reprogrammed funds?

Mr. MANNO. From our perspective, it was important to give notice about the cancellation as soon as possible. So we proceeded to cancel the competitions as soon as we determined that we wanted to cancel the competitions.

Chairman OWENS. But at that time you had no plans for a new request for comment on——

Mr. MANNO. Clearly, we did. But you have to keep in mind here that's there only about a 3 day period between when the cancellation notice was announced and when the not new competition, but intent to stage a competition was announced.

I just might add, as a bureaucratic matter, that it's a little bit more complicated to have a notice of absolute priorities published, because it has to go through OMB. The fact is that a cancellation notice does not have to go through OMB. It's something the Department can immediately publish once it has determined that it intends to cancel a competition.

So the two notices, for all practical purposes, went forward at the same time, but the fact is that because of the so-called "OMB loop," the other one took about 3 more days to work through the system.

Chairman OWENS. Now, the notice of the competition that you cancelled was sent out in March. How many days had that been out there before you cancelled it?

Mr. MANNO. The cancellation notice was, in fact, published just 1 week ago—the cancellation notice for both the center competition and the FIE competition. I can get the exact date if you would like that. But the cancellation notice was published just about a week ago.

Chairman OWENS. But the rules for the competition had only been issued in March for the centers, the——

Mr. MANNO. For the FIE competition or for the center competition?

Chairman OWENS. For the center competition.

Mr. MANNO. March 11th was the announcement for the center competition.

Chairman OWENS. When was the FIE competition?

Mr. MANNO. Approximately at the same time, it was about a week later, March 19th.

Chairman OWENS. Why was there a delay on the FIE competition? You say you issued—the center competition had been run before and you didn't receive adequate proposals.

Mr. MANNO. That's correct.

Chairman OWENS. What happened with FIE? Why were you so late in issuing the notice for it?

Mr. MANNO. In fact, I don't think we were late in issuing it. There was only about a week's difference between when we announced the center competition and when we announced the FIE competition. It's important to keep in mind here that these two competitions are from two separate accounts. The FIE account is different from the account that would lead to the funding of a center.

Chairman OWENS. And you received the appropriation last fall, right?

Mr. MANNO. That's correct.

Chairman OWENS. And you didn't issue——

Mr. MANNO. As with all of our competitions, we go through a consultative process in determining what the scope of the competition will look like. As you know and have said, the initial center competition led to no recommendation being made for an award. What we did as a result of that was actually spend some time thinking through why there were no competitors who were judged to be recipients of an award. We spent some time thinking that through.

And about as quickly as anyone could hope to do, keeping in mind that we really knew nothing about our appropriation until November or so, because of the problems that you folks up here had. Looking at the window between, more or less, November and the beginning of March is actually to say that the Department moved rather expeditiously to get these competitions under way, knowing all we know about bureaucracies.

Chairman OWENS. Yes, but you had had a center competition much earlier. My only question was: Why, at that time, didn't you have the FIE competition?

Mr. MANNO. We had an FIE competition last year. I don't remember exactly how much money we awarded, but we did have an FIE competition.

Chairman OWENS. This was just part of the money that you were taking back form the FIE.

Ms. CICHOWSKI. One thing I should clarify, Mr. Chairman, that we are continually announcing new competitions in various programs throughout the Department. As Mr. Manno mentioned, there is quite an elaborate clearance process for preparing notices for the *Federal Register*. In connection with some programs, there's quite a bit of analysis done in conjunction with making decisions.

So that we're publishing notices every month, and there will still be other notices published for this year's competitions in some of our programs. It's an ongoing process.

Chairman OWENS. To return to the previous point on why Choice gets the favored treatment of $230 million proposed for the new budget—plus you already have funds in there—when there are other models, some of which are ignored totally and some just mentioned in passing——

Mr. MANNO. I don't think it's accurate to say——

Chairman OWENS. You have about 10 to 12, I think, models that——

Mr. MANNO. It's not accurate to say that other models are ignored. In fact, our fiscal year 1992 Congressional budget justification, which we submitted to the Appropriations Committee and which is a part of the public record, clearly specifies a variety of other kinds of activities, in addition to Choice, which we propose to investigate and support. It's on the public record.

Chairman OWENS. Mr. Manno, I'm talking about $230 million versus zero. It——

Mr. MANNO. The fact is it's not zero. The fact is it's not zero.

Chairman OWENS. What other programs are receiving $230 million, $100 million, $50 million, $10 million? What other programs are receiving specified amounts of money?

Mr. MANNO. As I said, our Congressional budget justification clearly delineates all of the activities under GEPA 405 that we propose to support.

Chairman OWENS. What other model is receiving?

Mr. MANNO. A variety of other models.

Chairman OWENS. Name one.

Mr. MANNO. The Effective Schools research, that you pointed out at Jim Comer.

Chairman OWENS. How much are they receiving?

Mr. MANNO. I can't say specifically. I would be happy to submit a description for the record to——

Chairman OWENS. All right. We will be pleased to receive that.

Mr. MANNO. I might also add——

Chairman OWENS. A list of other models among the 10 to 12 possibilities that are receiving funds and the amount of funds they're receiving.

Mr. MANNO. I might also add that we have two research and development centers that are working in this area. One is an R&D center supporting research into the question of schooling for the disadvantaged. Another one is an R&D center looking at restructuring issues.

Both of those centers are involved in looking at a variety of approaches to site-base management, to Effective Schools research, to a variety of other kinds of models.

Chairman OWENS. Yes, OERI has been engaged in research for a long time while many other models and other approaches which have more of a basis in science and logic for additional funding than Choice—we have no past history——

Mr. MANNO. It's incorrect to say that Choice does not have a basis——

Chairman OWENS. There's not past history of anything being called Choice——

Mr. MANNO. Yes, there is.

Chairman OWENS. [continuing] or a center or a lab or anything else working on it——

Mr. MANNO. I dispute that. In fact——

Chairman OWENS. What is the example you would give?

Mr. MANNO. The example is clear. There is a long history and a long tradition investigating the effects of school choice as this relates to the achievement of a variety of students. It's not correct to say that choice is not an area——

Chairman OWENS. There is a long history of the Federal Government, OERI? I don't want——

Mr. MANNO. Yes, as a matter or fact, Alum Rock is a good example. Alum Rock, which was a voucher program, goes back into the 1970s out in California. It was an activity supported by the old NIE, the National Institute of Education.

Chairman OWENS. All right. So we have one.

Mr. MANNO. Not only just one——

Chairman OWENS. You went to 1970 to get one. Is there anything more recent?

Mr. MANNO. Yes, there is. The work of James Coleman has been supported——

Chairman OWENS. Coleman?

Mr. MANNO. James Coleman, from the University of Chicago, has been supported by the monies our of the National Center for Education Statistics and the work that he has done on the High School and Beyond study. That's been around——

Chairman OWENS. He calls that Choice?

Mr. MANNO. He specifically talks about an approach to school choice. It's not the only work that he's conducted, but he talks about it and has been talking about it for a number of years. That's work that has been supported by the National Center for Education Statistics in its High School and Beyond project. That goes back something like 8 or 10 years now.

So there are examples of activities that the Department has supported in the past that specifically deal with issues of Choice.

Chairman OWENS. The fundamental issue here is how will OERI proceed in the allocation of funds that it now has. And you're saying that you have great discretion on how you use these funds, and you don't even have to go back to the Appropriations Committee for reprogramming. They say you do, but—let's assume that you're going to make these judgments.

Either you make the judgment to go to the committee and ask for $230 million as you're going to do for——

Mr. MANNO. Clearly——

Chairman OWENS. Or you make a judgment to utilize funds on your own. What criteria are you using when you choose to fund certain programs at relatively large amounts of money, versus others that are funded almost with nothing or some with—is there a criteria being used? Is there a scientific method being applied here? Is there a logic?

How do we deal with it other than to sit by and suspect that OERI has some ideological conclusion that it has reached beforehand and it wants to award contracts to get the evidence to support those ideological conclusions? That is what some of us are thinking when you go so heavily into the area of awarding grants for Choice while you ignore certain other——

I'm willing to accept the evidence on Choice. I don't have a closed mind. I would like to see some experimentation and demonstration projects on a much greater scale than we have now. These examples that you mention——

Mr. MANNO. Then we are in agreement on the issue.

Chairman OWENS. We are in agreement on a principle of whatever the strategy is, whatever the model is, let us subject it to the same scrutiny. Let us have them all subjected to the same process.

Mr. MANNO. I couldn't agree with you more. I couldn't agree with you more.

Chairman OWENS. You agree with me, but your Department, on the other hand, is moving ahead to ask for $230 million for Choice. I have no problem with that——

Mr. MANNO. It's asking for an authorization.

Chairman OWENS. [continuing] if you give me $230 million——

Mr. MANNO. It's asking for an authorization.

Chairman OWENS. Authorization.

Mr. MANNO. Which means, as you well know, that the Congress will be consulted before we proceed.

Chairman OWENS. Sure, of course. And we would propose $30 million for James Comer's School Development Program, or $30 million for the Effective Schools research. We would like to see them all get demonstration projects. And once and for all, let's determine what works, what doesn't work, and come to some conclusion about what we want to promote.

Mr. MANNO. Clearly, we're in agreement.

Chairman OWENS. But here we have it backwards with Choice being favored over everything else and promoted

Mr. MANNO. I don't think we have it backwards. Choice is not being favored over everything else.

Chairman OWENS. Well, that's the issue. What criteria will OERI use? What criteria will our advocate for research and development in the Federal Government use?

We would like to see a request for authorization come with some kind of scientific backing and basis and not have you depend on us to balance it out. I don't want to have to balance out your requests. I would like to see the people who are working——

Mr. MANNO. We think our request is a balanced request.

Chairman OWENS. [continuing] in the area of research and development to come to us with some proposals and recommendations that have some basis in science and logic and fact.

Mr. MANNO. And, in fact, we believe that our recommendations, our proposals, are based on sound research and effective practice; we believe that to be the case.

Chairman OWENS. Thank you. I would like to pursue a couple of other questions.

Your State reform efforts are specifically mentioned in the conference report also.

Mr. MANNO. That's correct.

Chairman OWENS. There's language which says, "Conferees expect the Department to expend a significant portion of the funds for research and dissemination activities directed to the States for school improvement and reform consistent with the language under heading 'Statewide Reforms,' which is included in the House Report."

Are you ignoring that conference recommendation?

Mr. MANNO. No, we're not. As a matter of fact——

Chairman OWENS. How do you interpret that?

Mr. MANNO. We interpret it very specifically. We see it, first of all, as not a new charge to OERI. In fact, OERI has, for a long time, engaged in a variety of activities directed toward helping States.

More specifically, we can identify here $400,000 which has been set aside to support the development of assessment techniques on a large scale. A lot of the research which has been going on in recent times about what we call performance assessment has only been taking place on a rather limited scale. Districts are using it; some States are using it. But there has been no major effort under way, in recent years, to find out how performance assessment can be used on a mass scale.

There have been some small efforts, I shouldn't say there has not been any effort. There have been some small efforts to determine how performance assessment can be used on a national scale. $400,000 out of the summit follow-up money is being directed towards supporting activities through, as a matter of fact, one or our centers, the Center for Assessment at UCLA that involves working with States to help them develop performance assessment instruments that they can use in their States as well as that would be able to be used for national assessment projects.

So we are, in fact, engaged in taking that conference report language very seriously.

Chairman OWENS. $400,000 of the current budget is allocated for this purpose to statewide activities?

Mr. MANNO. That's correct.

Chairman OWENS. It can't cover many States, right? Six years ago, you were giving funds to States for the training of State administrators and sort of precursor to the State academies, the LEAD Program, I think it was called.

Mr. MANNO. That's correct.

Chairman OWENS. What are you doing this current year about that and how does that relate to your proposal for 1992 funding for governors' academies?

Mr. MANNO. Okay. I can answer the second question first, and I may need some help from Carol in talking about when the authorization expires for LEAD. We see this activity as being built upon the activity to support governors academies for teachers and school leaders, but in this case specifically school leaders, as very much in tune with the Lead activities.

But there is a way in which it differs. The LEAD Program was a State-based effort to support the training of administrators. This program for school leaders builds on that, but it takes it a step further. It not only is concerned with present-day school leaders, but also proposes to establish a search process, or at least invite States to establish a search process that would lead to the identification of potential school leaders.

So in addition to just being concerned about school principals today, it has a dimension to it that involves moving out beyond those people who are principals of our schools today.

Chairman OWENS. What amount of funding are these programs receiving? $400,000 for the statewide reforms program? What amount is that Lead Program now receiving?

Mr. MANNO. The specific amount that we have in the 1992 budget for the governors' academies for teachers and school leaders is in excess of about $60 million or so. Could you provide a little bit more specific information, I think——

Chairman OWENS. Sixty million is now being expended on the Lead Program?

Mr. MANNO. No. That was for the proposed academies for teachers——

Chairman OWENS. I didn't ask that question, sir. I said what——

Mr. MANNO. Then Carol has more specific information on Lead.

Ms. CICHOWSKI. In 1991, Congress appropriated approximately $3.8 million for the Lead Program. We're requesting $370,000 in 1992. That is the amount required to make the final payment to the territories for completion of their 6 year grant period.

The authorizing legislation authorized a 3 year grant and then a once-renewable 3 year award with the assumption that, over time, each of the centers would maintain services, but assume a greater share of the costs of providing those services.

Chairman OWENS. Each center? You mean academy?

Ms. CICHOWSKI. Each one of the LEAD centers was—the authorizing legislation for LEAD anticipates termination after 6 years of funding, and it specifically requires the centers, over time, to maintain services at the same level while Federal funding phases down.

We were required to provide, in the second set of 3 year grants, 50 percent of the funding that was available in the first 3 years. So the authorizing legislation anticipates termination after a 6 year period and anticipates a gradual reduction of funding over time. So our budget request is in keeping with what the authorizing legislation prescribes.

All of the States are receiving their final payments in fiscal year 1991. The territories will receive theirs in fiscal year 1992 because they were started up a year late, and the program will be concluded.

Chairman OWENS. Before I yield to Mr. Klug just one additional question. You include the Goals Panel among the items you assert that you don't have to seek authorization for; am I correct? You're proposing to spend how much for the Goals Panel?

Mr. MANNO. You're correct in saying that there is a line item in the 1992 budget request to support the work of the goals panel; that's correct.

Chairman OWENS. And you don't need authorization?

Mr. MANNO. For the goals panel?

Chairman OWENS. Are you saying that you don't need authorization?

Mr. MANNO. That's correct. The goals panel is up and operating and has been for some time.

Chairman OWENS. Was it authorized by Congress?

Mr. MANNO. No, it wasn't.

Chairman OWENS. You're spending funds for an entity not authorized by Congress?

Mr. MANNO. But the funds are, in fact, spent for activities that have been authorized by Congress, under GEPA 405 and 406.

Chairman OWENS. Does it have a staff?

Mr. MANNO. Does the goals panel have a staff? Yes.

Chairman OWENS. Does it have a board?

Mr. MANNO. The board of the goals panel, I think, I would understand to be those people who are on the panel. It's chaired by Governor Romer of Colorado, the Democratic Governor of Colorado, and has seven, eight—I honestly don't remember how many members are on the goal panel.

Chairman OWENS. Is it a governmental entity or private entity or what?

Mr. MANNO. It is an entity that has been created by joint agreement of the President and the governors.

Chairman OWENS. It was created by joint agreement?

Mr. MANNO. That's correct.

Chairman OWENS. You said the joint agreement was between the President and the Congress?

Mr. MANNO. The governors.

Chairman OWENS. Oh, the governors. But it has not been authorized by Congress?

Mr. MANNO. Not the goals panel, per se, but, as I said, the activities that the goals panel is engaging in are activities that are clearly authorized under GEPA 405 and 406.

Ms. CICHOWSKI. And the activities——

Chairman OWENS. Mr. Manno, any activity that favors human progress can be included under GEPA. How far do you stretch that? Is there a need for a Congress? Is there a need for authorizing legislation if you're going to be so broad as to create new entities, provide them with personnel and large amounts of public funds and not need authorization for them? Your assumption is that you don't need authorization for such an entity?

Mr. MANNO. Not for the National Education Goals Panel.

Chairman OWENS. You don't need authorization to create it, but you need authorization to fund it. You can give it funds without having any authorization?

Ms. CICHOWSKI. I think I should clarify that I don't think it's fair to say that we're requesting program funds to give to the goals panel. What we're requesting are additional funds for research and statistics to carry out activities that would be relevant and helpful to the goals panel's mission.

Chairman OWENS. Do you provide them with staff? Are providing money to hire staff?

Mr. MANNO. We do both. We provide them with staff on detail. In addition to that, we provide them with S&E money to support the activities of other staff that the goals panel has hired.

Chairman OWENS. This may be an argument that has to be pursued by lawyers, by counsel. I certainly would like to consult counsel, because it seems that Oliver North really didn't have to have a basement operation, he could have come upstairs and established a new——

Mr. MANNO. I think it's unfair to compare Oliver North to the goals panel.

Chairman OWENS. Well, you're almost saying you have a right to do anything you want to do as long as you can connect it with educational activities——

Mr. MANNO. That's not true. That's not what we said, and that's not my position.

Chairman OWENS. That's the way it comes across.

Mr. MANNO. Well, let me make clear, then, that that's not what I've said.

Chairman OWENS. Because you've cited a wide range of activities, including the funding of an entity without authority from Congress, providing considerable support for it——

Mr. MANNO. But, does Congress provide authorization for all the other activities that we provide money to? The answer to that is, clearly, "no." OERI has the authority to support a variety of activities, using a variety of outside entities. In this case——

Chairman OWENS. The Governors' panel is a nonprofit organization dedicated to education; is that it?

Mr. MANNO. Clearly——

Chairman OWENS. Is it incorporated? Under what State is it incorporated?

Mr. MANNO. It is a chartered entity that comes under——

Chairman OWENS. But it's chartered?

Mr. MANNO. Yes, it is. It comes under the Federal Advisory Committee Act.

Chairman OWENS. Like the Boy Scouts are chartered, by the Federal Government?

Mr. MANNO. It is a federally chartered group. It comes under FACA.

Chairman OWENS. Well, I think we——

Mr. MANNO. And all of this has been done and been cleared by the Department's Office of General Counsel.

Chairman OWENS. We would like to pursue it further——

Mr. MANNO. Fine.

Chairman OWENS. [continuing] with general counsels talking to general counsels on this matter.

Mr. MANNO. Fine.

Chairman OWENS. Mr. Klug?

Mr. KLUG. Mr. Manno, is it your sense that there have been similar attempts in the past, and perhaps attempts that were successful, to redirect funds in this same kind of reprogramming?

Mr. MANNO. Yes. There have been. But let me make clear here, reprogramming, as we understand it, is a fairly technical term; it has a specific meaning in mind. We really don't see this activity as a formal reprogramming request. What has happened in the past is what we've done here, which is to say, "We propose to cancel a competition," and that's been done before, "and that we propose to use the money that's available as a result of that cancellation to support activities which are clearly authorized under the OERI authority."

So this is, in fact, not something which is absolutely out of the question or being done for the first time.

Mr. KLUG. So it's you impression that this has been done in the past with Department of Education money.

Ms. CICHOWSKI. Well, one way of looking at it is that in appropriating money for the Fund for Innovation, Congress did not direct us to set aside $9 million for a competition directed at restructuring. Congress put discretionary money at the Secretary's disposal to identify innovative approaches. And the Secretary elected to announce a competition focused on restructuring.

The new Secretary has since re-examined that proposal and has decided—and it's within his discretion to do so—to focus in on a few strategies contained in that original proposal that he thinks would be the most promising. So the Secretary was exercising his discretion in announcing the initial competition, and he has simply revisited that decision.

But in both cases, the Secretary was well within his rights to focus funds on those approaches that he thinks would be most promising.

Mr. KLUG. Are you confident that if we asked you, you could provide to this committee other examples over the last several years where that same kind of thing has happened?

Ms. CICHOWSKI. In many, many programs every year, the Secretary announces priorities, seeks public comment, just as we are doing now, and exercises his discretion. Congress——

Mr. KLUG. I take that to be a "yes" that you can provide other examples.

Ms. CICHOWSKI. Yes. Congress does not, generally, prescribe how the Secretary is to spend discretionary money. That's the purpose of those authorities, that we have broad parameters, some broader than others, and we involve the public through the rulemaking process but we have discretion in terms of how to target funds.

Mr. KLUG. Now, let me shift gears, if I can, for a minute to the Choice program. When the OERI does research, I assume it occasionally draws upon research that's been done either in the private sector or on a State level; is that accurate?

Mr. MANNO. That's correct.

Mr. KLUG. And so it wouldn't be unusual at all, in this case, for you then to look at Choice programs and other similar experiments on a State of a city-wide basis to, perhaps, be used to justify more research on Choice programs in this case?

Mr. MANNO. Not at all. And as I pointed out in the one example I referred to earlier, the public school Choice roundtable effort that we have under way this year is an example of us drawing together practitioners from districts who have implemented Choice programs over the last number of years. And this is an attempt to bring them together and to get them to talk to each other about what is an effective Choice program, and to make that information available to others who are interested in pursuing that path.

Mr. KLUG. So you wouldn't agree with the chairman's comments or conclusions that there's no research at all on Choice programs?

Mr. MANNO. As I said earlier, I would vehemently disagree with it.

Mr. KLUG. Could you provide this subcommittee, too, with——

Chairman OWENS. Would the gentleman yield for a point of order?

The Chairman did not say there is no research at all, the Chairman said OERI has no information——

Mr. MANNO. With which I would still vehemently disagree.

Chairman OWENS. And I would be happy to receive any reports, any studies, any evaluations done by OERI or any other Federal agency on Choice.

Mr. KLUG. Okay. I stand corrected.

Regardless, we would all be interested in seeing research that you think can be used to justify an increase in Federal funding to look at Choice programs, whether it's the $30 million pilot programs, or whether it's the $100 million that the President suggested. And, obviously, those are issues we're going to have to address in the months to come, regardless.

Mr. MANNO. Clearly, and we would be pleased to provide that.

Mr. KLUG. Thank you.

Chairman OWENS. Thank you.

Just one or two last questions. In the House Committee on Appropriations Report the following language is included, "The committee, therefore, directs the Department to develop a pilot program which prepares minorities for research careers and increases their participation as specialists in research and development."

In you reprogramming or redistribution of funds, are you addressing this question, or how have you addressed it to date?

Mr. MANNO. Yes. We are addressing the question. In fact, we have under way what we're calling a researcher training project which is a program designed to assist minority education professionals to pursue opportunities in educational research and development through fellowships, through mentorships, through internships. This is a competition that we intend to announce somewhere around the beginning of June, with applications due by the end of July.

We envision, this fiscal year, spending approximately $150,000 to support this item that was referred to in the conference report. So we are pursuing that initiative.

Chairman OWENS. To date, how much have you spent?

Mr. MANNO. There has not yet been any announcement of a competition, so, clearly, there has been no award.

Chairman OWENS. You've done nothing, to date?

Mr. MANNO. We were asked to do it as part of this fiscal year's activities, and we are doing it as part of this fiscal year's activities proposing to spend $150,000.

Chairman OWENS. You expect to get a program going by when?

Mr. MANNO. The applications will be due at the end of July. We envision that the award would be made no later than the end of September, which is the end of the fiscal year. So the program could well be up and operating come this fall, late fall.

Chairman OWENS. So your program might be operating by late fall?

Mr. MANNO. No, it will be.

Chairman OWENS. It will be operating by late fall.

Mr. MANNO. That's correct.

Chairman OWENS. I've just gotten a request, on behalf of the chairman of the committee, Mr. Ford, that you will please provide a list of all reprogramming requests that were submitted to the Appropriations Committee during the past 5 years, and designate those that the committee approved, along with a brief narrative on each.

Mr. MANNO. We would be pleased to do that.

Chairman OWENS. We would also submit to you some additional questions in writing. I do want to emphasize what I said at the beginning. This committee, and I'm sure the full committee also,

would like to go forward in working with OERI on the critical function of research and development in support of reforming education in America.

We disagree on certain areas that should be emphasized, but I think there's room for honorable disagreement. What I don't want to do is raise the level of intrigue and counter-intrigue that existed in the past in OERI. There are precedents which make us quite fearful of the kinds of things that could happen and thwart the partnership between the Congress and the Executive Branch.

Mr. MANNO. Clearly, we have no intent——

Chairman OWENS. We would like to have a working relationship that does not become counterproductive and negative in this whole process of reforming education in America.

We will be formally writing to Secretary Alexander to voice our concern on this matter. And we will also be presenting our conclusions on this hearing to the Appropriations Committee. As I said before, we will be consulting with our counsel about certain assumptions that are being made about what can be included in discretionary funding, what kind of activities can go forward in discretionary funding without authorization.

I want to thank you very much for taking the time out to come this afternoon. We look forward to working with you in the future.

Mr. MANNO. Thank you.

Chairman OWENS. The subcommittee hearing is now adjourned.

[Whereupon, at 3:50 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

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